

and future stations would be required to comply with the proposed 64 dBu limit when planning future facilities.

10. Comment also is requested on whether applicants for new facilities (or those proposing to modify existing facilities) on Channel 36 or Channel 38 that would be within 87.7 kilometers (55 miles) of a listed radio astronomy site should be required to notify CORF (or some other appropriate radio astronomy representative) concerning their proposed facilities. The proposed rules, coupled with the Commission's application processing procedures, are probably sufficient to ensure protection to radio astronomy facilities. However, comment is sought on whether notification procedures similar to those contained in Section 73.1030 would serve any useful purpose. Moreover, if such notification is considered expedient, comment is sought on the most appropriate entity to notify. While the proposed rules do not contain a notification requirement, the Commission may adopt such a requirement if the comments indicate that a significant benefit may be afforded by such notification.

11. Finally, with respect to the allotment aspects of CORF's petition, the Commission proposes to delete the Channel 38 allotment currently specified for Hilo, Hawaii. This proposal appears to have only a very minimal impact on the TV broadcast service because both channels 20 and 26 would remain available as vacant non-reserved channel allotments in Hilo. Further, the Commission proposes to require that petitions for rulemaking proposing Channel 36 or 38 allotments which would be located within 87.7 kilometers (55 miles) of a radio astronomy site, must demonstrate compliance with the radio astronomy facility protection criteria adopted as a result of this proceeding.

Administrative Matters

Ex Parte Rules—Non-Restricted Proceeding

12. This is a non-restricted notice and comment rulemaking proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in Commission rules. See generally 47 C.F.R. §§ 1.1202, 1.1203 and 1.1206(a).

Comment Information

13. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's Rules, 47 C.F.R. §§ 1.415 and 1.419, interested parties may file comments on or before March 31, 1995

and reply comments on or before April 21, 1995. To file formally in this proceeding, you must file an original plus four copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy of your comments, you must file an original plus nine copies. You should send comments and reply comments to Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C. 20554.

Regulatory Flexibility Act

14. As required by § 603 of the Regulatory Flexibility Act, the Commission has prepared the following Initial Regulatory Flexibility Analysis (IRFA) of the expected impact on small entities of the proposals suggested in this document. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the Notice, but they must have a separate and distinct heading designating them as responses to the Initial Regulatory Flexibility Analysis. The Secretary shall send a copy of this Notice of Proposed Rule Making, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.* (1981)).

Reason for Action

Footnote US74 to the Table of Frequency Allocations contained in Section 2.106 of the Commission's rules specifies that radio astronomy facilities using the spectrum 608 to 614 MHz (TV Channel 37) are to "be protected from extraband radiation only to the extent that such radiation exceeds the level which would be present if the offending station were operating in compliance with the technical standards or criteria applicable to the service in which it operates." This language is not sufficiently clear to precisely establish the protection that radio astronomy facilities should be afforded. Also, because the locations of radio astronomy facilities were not known to broadcast applicants, the Commission has authorized construction of full service and low power television stations in close proximity to radio astronomy facilities, thereby potentially causing interference.

Objectives

This action is intended to eliminate the possibility of future authorization of facilities in excessive proximity to radio astronomy operations. The Commission proposes to amend its rules to specify the latitude and longitude of thirteen radio astronomy sites and to impose a simple field strength restriction that would apply to stations authorized on adjacent channels (i.e., Channels 36 and 38). This would effectively preclude interference to radio astronomy facilities.

Legal Basis

Authority for the actions proposed in this Notice may be found in Sections 4 and 303 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154 and 303.

Reporting, Recordkeeping, and Other Compliance Requirements

None.

Federal Rules which Overlap, Duplicate, or Conflict With the Proposed Rule

None.

Description, Potential Impact and Number of Small Entities Involved

Because radio astronomy installations are located in rural areas, the number of station applications which may be affected by the field strength requirement should be very small, perhaps averaging less than one per year. In such cases, the applicant would need to design the facilities to limit the field strength produced at the radio astronomy site or possibly select another site. But because the protection requirement would be known in advance, there would be no relocation cost. There would be no impact on current broadcast licensees.

Any Significant Alternatives Minimizing the Impact on Small Entities and Consistent With the Stated Objectives

There are none apparent.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 95-4556 Filed 2-23-95; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-

Endangered and Threatened Wildlife and Plants; Reopening of Comment Period on the Status Review for the Queen Charlotte Goshawk

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Status review; reopening of comment period.

SUMMARY: The U.S. Fish and Wildlife Service (Service) provides notice that the comment period on the status review of the Queen Charlotte goshawk (*Accipiter gentilis laingi*) is reopened. On August 26, 1994, (59 FR 44124) the Service announced that sufficient information was presented in the petition to list the Queen Charlotte goshawk as endangered and opened a comment period until November 25, 1994. On January 4, 1995, (60 FR 425) the Service extended the comment period until February 9, 1995. This notice further extends the comment period until February 28, 1995. All interested parties are invited to submit comments regarding this species' status.

DATES: Written comments and materials must be received by February 28, 1995.

ADDRESSES: Data, information, comments or questions concerning the status of the petitioned species described below should be submitted to the Field Supervisor, U.S. Fish and Wildlife Service, Ecological Services, 3000 Vintage Blvd., Suite 201, Juneau, Alaska 99801. The petition, findings, and supporting data are available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: John Lindell, Endangered Species Biologist (see **ADDRESSES** above) (907)/586-7240).

SUPPLEMENTARY INFORMATION:**Background**

On May 9, 1994, the Service received a petition from Mr. Peter Galvin of the Greater Gila Biodiversity Project and nine copetitioners requesting listing of the Queen Charlotte goshawk as endangered under the Endangered Species Act (16 U.S.C. 1533(a)(1)). A notice of positive 90-day finding and request for additional information was published on August 26, 1994, (59 FR 44124) regarding this petition. The Queen Charlotte goshawk occurs from Vancouver Island British Columbia, Canada, northward through insular British Columbia, insular and adjacent

mainland Alaska west of the coastal mountain range, to the northern portion of the Alexander Archipelago, in southeast Alaska. The subspecies may be endangered by past and planned removal and fragmentation of mature forest habitat by clearcut logging.

The initial comment period for the status review originally closed on November 25, 1994. Since that date, parties have expressed interest in submitting substantive comments. In order to accommodate these parties, the Service is extending the comment period until February 28, 1995. Written comments may be submitted to the Service office noted in the Address section.

Author

The primary author of this notice is John Lindell, U.S. Fish and Wildlife Service, Ecological Services Field Office, Juneau, AK 99801.

Authority

The authority of this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: February 16, 1995.

David B. Allen,

Regional Director, Region 7, Fish and Wildlife Service.

[FR Doc. 95-4747 Filed 2-23-95; 8:45 am]

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